

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SERIES 2020A OF NAHLA CAPITAL LLC,

Plaintiff,

Docket No. 22cv07122

Filed: August 21, 2022

vs.

NOTICE OF REMOVAL

ALYSSA SOTO BRODY,

Defendant.

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**TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK:**

1. Defendant ALYSSA SOTO BRODY (“Defendant”), an individual citizen of the United States and a resident of the State of Florida, domiciled and residing at 4775 Collins Avenue, #2401, Miami Beach, Florida 33141 and is a defendant in a civil action commenced by Plaintiff SERIES 2020A OF NAHLA CAPITAL LLC (“Plaintiffs”), on July 26, 2022 in the Supreme Court of the State of New York, New York County, under Index No. 652577/2022 (the “Action”).

2. Defendant ALYSSA SOTO BRODY desires to remove the Action to the United States District Court for the Southern District of New York based on diversity of citizenship.

3. Pursuant to the provisions of 28 U.S.C. §1332, §1441(b)(2) and §1446, Defendant ALYSSA SOTO BRODY was allegedly served with the Summons and Complaint in the Action on July 26, 2022, and hereby removes this action to the United States District Court for the Southern District of New York, which is the federal judicial district in which this proceeding is pending.

4. Upon information and belief, Plaintiff SERIES 2020A OF NAHLA CAPITAL LLC is a limited liability company established under laws of the State of Delaware and upon

information and belief authorized to do business in the State of New York with offices located at 645 Madison Avenue, 21st Floor, New York, New York 10022. Upon information and belief, all of the members of Plaintiff SERIES 2020A OF NAHLA CAPITAL LLC are citizens and residents of the State of New York and none of the members of Plaintiff SERIES 2020A OF NAHLA CAPITAL LLC are citizens of the State of Florida.

5. Removal of this action from the Supreme Court of the State of New York, New York County, is proper under 28 U.S.C. §§1441 (a) and (b) because this Court would have had original jurisdiction of the action based on diversity of citizenship, 28 U.S.C. §§1332(a)(1) and (c)(2), had the action originally been brought in this Court. Original jurisdiction on the basis of diversity of citizenship exists on the grounds set forth below.

6. In the Complaint, the amount in controversy exceeds the sum or value of \$75,000, exclusive of attorneys' fees and interest. The value of the right at issue, or the extent of the injury to be prevented exceeds \$ 75,000, exclusive of attorneys' fees and interest.

7. As removal under Federal Rules of Civil Procedure requires that the removal from state court to federal court be in the same district as the State Court action is in, and as the State Court action is in the Supreme Court of the State of New York, New York County, the United States District Court for the Southern District of New York is the proper venue.

8. On July 26, 2022, Plaintiff commenced an action in the Supreme Court of the State of New York, New York County by the filing of a Summons and Complaint.

9. A copy of the Summons, Complaint, all process and pleadings and other documents filed by Plaintiff in the Supreme Court of the State of New York, New York County, under Index No. 652577/2022 and filed on New York State Unified Court System's New York State Court Electronic Filing system are annexed hereto as **Exhibit "1"**.

10. Defendant ALYSSA SOTO BRODY had allegedly been served with the Summons and Complaint filed by the Plaintiff on July 29, 2022 but service pursuant to New York law is denied by Defendant ALYSSA SOTO BRODY, as she did not work at the location of the service of the Summons and Complaint, and she timely files this notice of removal and will file a motion to dismiss in the United States District Court for the Southern District of New York.

11. This Notice of Removal is timely under 28 U.S.C. Section 1446(b)(1) because Defendant received the Summons and Complaint on July 29, 2022 by service of process, which is less than thirty (30) days from the undersigned date pursuant to 28 U.S.C. Section 1446(b)(1).

12. Counsel for Defendant certifies that he will file a copy of this Notice of Removal with the Clerk of Supreme Court of the State of New York, New York County, and give notice of same to counsel for Plaintiff.

13. Defendant is not domiciled or residing in the State of New York and pursuant to the provisions of 28 U.S.C. § 1332(c)(2), Defendant was and is a citizen and resident of the State of Florida.

14. In the Complaint, Plaintiff seeks six (6) Claims for relief against Defendant as follows: (i) Claim I pursuant to Section 273(a)(1) and 276 of the New York Debtor & Creditor Law, (ii) Claim II pursuant to Section 273(a)(2) and 276 of the New York Debtor & Creditor Law, (iii) Claim III pursuant to Section 274(a) and 276 of the New York Debtor & Creditor Law, (iv) Claim IV pursuant to Section 273(a)(1) and 276 of the New York Debtor & Creditor Law, (v) Claim V pursuant to Section 273(a)(2) and 276 of the New York Debtor & Creditor Law, and (vi) Claim VI pursuant to Section 274(a) and 276 of the New York Debtor & Creditor Law.

15. The issues in this case involve the Plaintiff's claims that Defendant was the recipient of fraudulent conveyances from her husband, Eric Brody, allegedly a judgment creditor of Plaintiff.

16. The issues in the Complaint are with regard to a dispute which exceeds the sum or value of \$75,000, exclusive of attorneys' fees and interest.

17. Defendant will assert counterclaims in the answer to the Complaint in an amount which exceeds the sum or value of \$75,000, exclusive of attorneys' fees and interest.

18. Defendant reserves the right to amend or supplement this Notice of Removal.

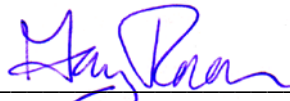
19. Among the defenses are the fact that Plaintiff "Series 2020A of NAHLA Capital LLC" is not a legal entity.

WHEREFORE, Defendant Alyssa Soto Brody hereby removes the above captioned action now pending in the Supreme Court of the State of New York, New York County to this United States District Court for the Southern District of New York.

Dated: Great Neck, New York
August 21, 2022

ROSEN LAW LLC

Attorney for Defendant Alyssa Soto Brody

By: 

Gary Rosen, Esq. (GR-8007),
216 Lakeville Road
Great Neck, New York 11020
(516)-437-3400

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Docket No. **22cv07122**

SERIES 2020A OF NAHLA CAPITAL LLC,

Plaintiff,

**CERTIFICATE OF
SERVICE**

vs.

ALYSSA SOTO BRODY,

Defendant.

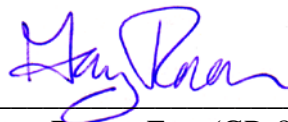
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I hereby certify that on August 21, 2022, I caused the Notice of Removal and the exhibits thereto to be served via FedEx overnight mail to Plaintiff and its counsel at the following addresses:

SERIES 2020A OF NAHLA CAPITAL, LLC
645 Madison Avenue, 21st Floor
New York, New York 10022.

Patrick L. Robson, Esq.
HUNTON ANDREWS KURTH LLP
Attorneys for Plaintiff
200 Park Avenue, 52nd Floor
New York, New York 10166

Dated: Great Neck, New York
August 21, 2022



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